

**UNITED STATES BANKRUPTCY COURT**  
**District of New Jersey**

IN RE: **JoAnne M. Jacuk**Case No.: 16-17561

Debtor(s)

Judge:

Chapter:

13

**CHAPTER 13 PLAN AND MOTIONS**

☐ Original☒ Motions Included☒ Modified/Notice Required☐ Modified/No Notice Required☒ Discharge Sought☐ No Discharge SoughtDate: September 1, 2016

THE DEBTOR HAS FILED FOR RELIEF UNDER  
 CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The Debtor shall pay 1,260.00 Monthly to the Chapter 13 Trustee, starting on May 1, 2016 for approximately 4 months, then the Debtor shall pay \$850.00 per month to the Chapter 13 Trustee, for 56 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒

Future Earnings

☐

Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:



Sale of real property

Description: 7 Windgate Road, Cherry Hill, NJ 08003 and  
117 Ocean Ave., Ocean City, NJ 08226

Proposed date for completion: September 1, 2017



Refinance of real property

Description:

Proposed date for completion: \_\_\_\_\_



Loan modification with respect to mortgage encumbering property

Description:

Proposed date for completion: \_\_\_\_\_

d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

## Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ 150.00 to be paid to the Chapter 13 Trustee and disbursed pre-confirmation and post-confirmation to US BANK CUST BV TRST 2015-1 c/o BlueVirgo Capital Management, LLC (creditor).

b. Adequate protection payments will be made in the amount of \$ 350.00 to be paid to the Chapter 13 Trustee and disbursed pre-confirmation and post-confirmation to US BANK, NA AS CUSTODIAN FOR FPS FINANCIAL 1, LLC (creditor).

## Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Daniel L. Reinganum, Esq. McDowell Posternock Apell & Detrick	Attorney Fees	\$7,500 plus additional supplemental fees

## Part 4: Secured Claims

### a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

TD Bank N.A.	7 Windgate Rd. Cherry Hill, NJ 08003 Camden County	21,379.00	0.00	\$0 Debtor will pay claim in full at time of sale of 7 Windgate Road, Cherry Hill, NJ 08003	Per Contract
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**b. Modification**

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES  
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Bank of America	7704 Aspen Street, Hamilton Twp, New Jersey 08330	\$164,463 (zillow)	N/A - Debtor is not liable on underlying debt instrument
Green Tree Servicing/ Ditech	110 West Colton Avenue, Buena Vista, New Jersey 08310	\$111,000 (zillow)	N/A - Debtor is not liable on underlying debt instrument

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

Creditor

PNC Mortgage - 117 Ocean Ave., Ocean City, NJ

State of New Jersey, Division of Taxation Claim #4-1 (Debtor reserves rights to challenge amounts claimed owed)

**e. Secured Claims to be paid in full through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
JP Morgan Chase Auto Finance	2005 Lexus GX470 52,000 miles Location: 7 Windgate Rd., Cherry Hill NJ 08003	\$4,915.20  (represents interest at 5.5% amortized over 60 months)

<b>US BANK CUST BV TRST 2015-1 c/o BlueVirgo Capital Management, LLC</b>	<b>7 Windgate Rd. Cherry Hill, NJ 08003 Camden County</b>	<b>\$0.00</b> To be paid in full at time of sale of 7 Windgate Road, Cherry Hill, NJ <b>Debtor reserves right to challenge proof of claim amount.</b>
<b>US BANK, NA AS CUSTODIAN FOR FPS FINANCIAL 1, LLC</b>	<b>7 Windgate Rd. Cherry Hill, NJ 08003 Camden County</b>	<b>\$0.00</b> To be paid in full at time of sale of 7 Windgate Road, Cherry Hill, NJ

### Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

\_\_\_\_\_ Not less than \$\_\_\_\_\_ to be distributed *pro rata*

  x   Not less than   100%   percent

\_\_\_\_\_ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
<b>-NONE-</b>			

### Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
<b>-NONE-</b>		

### Part 7: Motions

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
<b>-NONE-</b>							

b. **Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

Creditor	Collateral	Amount of Lien to be Reclassified
<p><b>c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.</b></p> <p>The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:</p>		

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

#### Part 8: Other Plan Provisions

**a. Vesting of Property of the Estate**

- ☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

**d. Post-petition claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

#### Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: **4/19/2016**

Explain below <b>why</b> the Plan is being modified.	Explain below <b>how</b> the Plan is being modified
<p>To surrender debtor's interest in properties in deceased husbands name.</p> <p>Prior plan payment would be infeasible in light of proofs of claims filed.</p>	<p>Added Properties to Section 4c. Surrender.</p> <p>7 Windgate Drive, Cherry Hill and 117 Ocean Ave, Ocean City will be sold to satisfy debts.</p> <p>Tax lien creditors will be paid at time of sale of 7 Windgate Drive instead of over life of plan.</p> <p>Tax lien creditors provided adequate protection.</p> <p>Attorneys fees estimate adjusted upward.</p>

	TD Bank arrears to be cured from sale of 7 Windgate Drive instead of over life of plan.
Are Schedules I and J being filed simultaneously with this modified Plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Part 10: Sign Here</b>	
The debtor(s) and the attorney for the debtor (if any) must sign this Plan.	
Date <u>September 1, 2016</u>	<u>/s/ Daniel L. Reinganum, Esq.</u> <u>Daniel L. Reinganum, Esq.</u> Attorney for the Debtor
I certify under penalty of perjury that the foregoing is true and correct.	
Date: <u>September 1, 2016</u>	<u>/s/ JoAnne M. Jacuk</u> <u>JoAnne M. Jacuk</u> Debtor
Date: _____	_____ Joint Debtor

**Certificate of Notice Page 7 of 8**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 JoAnne M. Jacuk  
 Debtor

Case No. 16-17561-JNP  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 26

Date Rcvd: Sep 14, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 16, 2016.

db	+JoAnne M. Jacuk, 7 Windgate Rd., Cherry Hill, NJ 08003-1822
cr	+PFS Financial 1, LLC, 7990 IH 10 West, Suite 200, San Antonio, TX 78230-4786
516128011	+Allied Gastrointestinal Assoc., 217 White Horse Pike, Haddon Heights, NJ 08035-1703
516324871	+Apex Asset Management, LLC, Virtua Health System - WJ, PO Box 5407, Lancaster, PA 17606-5407
516345759	+Bank of America, N.A., Bank of America, P.O. Box 31785, Tampa, FL 33631-3785
516128012	+Cherry Hill Township, Attn: Tax Office, 820 Mercer St., Cherry Hill, NJ 08002-2638
516128015	+JP Morgan Chase Auto Finance, PO Box 901032, Fort Worth, TX 76101-2032
516206635	+JPMorgan Chase Bank, N.A., National Bankruptcy Department, P.O. BOX 901032, Ft. Worth, TX 76101-2032
516128016	+Maria Geonnetti, 629 E. Miller Street, Philadelphia, PA 19125-2721
516346265	+PNC Bank, National Association, Attn: Bankruptcy, 3232 Newmark Drive, Miamisburg, OH 45342-5421
516128018	+PNC Mortgage, PO Box 8703, Dayton, OH 45401-8703
516128017	+Pellegrino & Feldstein, LLC, Denville Law Center, Denville, NJ 07834
516128019	+Primary Care Affiliates of NJ, PA, PO Box 40, Somerdale, NJ 08083-0040
516128020	+South Jersey Radiology Associates, PO Box 1710, Voorhees, NJ 08043-7710
516128021	+Sprains, Strains & Fractures, LLC, PO Box 168, Haddonfield, NJ 08033-0278
516128022	+State of New Jersey, Div. of Taxation, Compliance and Enforcement - Bkcy Unit, 50 Barrack Street, 9th Floor, PO Box 245, Trenton, NJ 08695-0267
516343857	+US Bank Cust BV Trst 2015-1, c/o Blue Virgo Capital Managements, LLC, 380 Lexington Avenue, Floor 17, New York, NY 10168-1799
516128024	+US Bank, N.A., Custodian, Custodian for PFS Financial 1, LLC, 7990 IH 10 West, Suite 200, San Antonio, TX 78230
516128025	+Virtua Health Voorhees, PO Box 8500-8267, Philadelphia, PA 19178-8267

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

smg	E-mail/Text: usanj.njbankr@usdoj.gov Sep 14 2016 23:22:28 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Sep 14 2016 23:22:21 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
516128013	+E-mail/Text: tgraff@ocnj.us Sep 14 2016 23:23:00 City of Ocean City, Attn: Tax Office, 861 Asbury Ave., Ocean City, NJ 08226-3611
516128014	+E-mail/Text: cio.bncmail@irs.gov Sep 14 2016 23:21:57 Internal Revenue Service, Centralized Insolvency Operation, PO Box 7346, Philadelphia, PA 19101-7346
516207376	E-mail/Text: bk.notifications@jpmchase.com Sep 14 2016 23:22:12 JP Morgan Chase Bank, NA, PO Box 29505, AZ1-1191, Phoenix, AZ 85038-9505
516128023	+E-mail/Text: bankruptcy@td.com Sep 14 2016 23:22:31 TD Bank N.A., 32 Chestnut St, Lewiston, ME 04240-7799
516346678	+E-mail/Text: bankruptcy@td.com Sep 14 2016 23:22:31 TD Bank NA, c/o Schiller Knapp Lefkowitz & Hertz L, 70 Gray Road, Falmouth, ME 04105-2299
	TOTAL: 7

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 16, 2016

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

District/off: 0312-1

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 26

Date Rcvd: Sep 14, 2016

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 13, 2016 at the address(es) listed below:

Adam D. Greenberg on behalf of Creditor PFS Financial 1, LLC agreenberg@hgllclaw.com,  
Aholmes@hgllclaw.com  
Daniel L Reinganum on behalf of Debtor JoAnne M. Jacuk dreinganum@MPADLaw.com,  
kgresh@mpadlaw.com;htherrien@mpadlaw.com;jhughes@mpadlaw.com  
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,  
summarymail@standingtrustee.com  
Joshua I. Goldman on behalf of Creditor PNC Bank, National Association  
jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com  
Michael E. Blaine on behalf of Creditor TD Bank, N.A. successor in interest to Commerce Bank,  
NA mblaine@schillerknapp.com,  
tshariff@ecf.courtdrive.com;tshariff@schillerknapp.com;kcollins@schillerknapp.com  
William M.E. Powers on behalf of Creditor Bank of America, N.A. ecf@powerskirn.com  
William M.E. Powers, III on behalf of Creditor Bank of America, N.A. ecf@powerskirn.com  
TOTAL: 8